

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

FRANK C. WARNER

PLAINTIFF

v.

No. 3:18-cv-169-DPM

**U.S. DEPARTMENT OF EDUCATION,
Betsy DeVoss, Secretary**

DEFENDANT

ORDER

This case is a dispute about student loan debt. Warner has filed an early motion for summary judgment. The Department of Education has not responded on the merits; instead, it seeks a stay so it can complete and file the administrative record.

The Department's motion, *No. 22*, is granted as modified. Warner's motion for summary judgment, *No. 14*, is denied without prejudice as premature. The parties and the Court need the administrative record to address the wrongs Warner alleges that he's suffered in connection with his loans.

The Department must file the administrative record by 30 September 2019. For good cause, it may file the record under seal. Warner may renew his motion for summary judgment thereafter. His motion papers must comply with Federal Rule of Civil Procedure 56, Local Rule 56.1, and this Court's Final Scheduling Order, *No. 13* at 3-4. Given the age of this case, and the proceedings thus far, the Court

requests that the Department's lawyer make this matter a priority.
Further extensions are unlikely absent extraordinary circumstances.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

23 September 2019